

U.S. Application No. 10/022,479– Filed: December 17, 2002
Proposed Amendment Dated: May 5, 2004
Reply to Office Action Dated: February 5, 2004

REMARKS/ARGUMENTS

In the Final Office Action dated February 5, 2004, the Examiner has objected to the Drawing, the Amendment filed on October 6, 2003, and the Specification. Further the Examiner has rejected Claims 12, 14, and 17-20 under 35 U.S.C. § 112. A new sheet of clean formal drawings, labeled "Prior Art", as suggested has been submitted. Identified copies of the new sheet of drawings are attached hereto for Examiner's approval per the new guidelines set for Amendments. By this paper, it is being proposed to amend the Specification, and Claims 12 and 19 to more particularly point out that which the Applicants regard as the invention. For the reasons set forth fully below, it is respectfully submitted that Claims 12, 14, and 17-20, the claims remaining in this Application, when amended as proposed, are allowable.

The Examiner has objected to the October 6, 2003 Amendment under 35 U.S.C. §132 as introducing new matter (i.e., "by weight"). It is proposed that this language be deleted, and a suitable explanation of the bases of the component % has been inserted. It is well known in the toner industry that the toner components are expressed as a % by weight. Of course, since in this case the specific gravities are so close, either % by weight or by volume would be proper, and would be clearly understood by one of ordinary skill in the art. Accordingly, this objection no longer applies and should be removed.


Claim 17 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that which Applicants regard as the invention. Claims 12, 14 and 17-20 stand rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. It is respectfully submitted that by the proposed amendments, the % bases and the toner particles in the toner layer, and their action with respect to the irradiation wavelength to provide uniform fusing, are now clearly understandable to one of ordinary skill in the art. Accordingly, these rejections are respectfully considered to be improper, and should now be removed.

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Applicants are not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. § 1.99.

As now presented, this Application, when amended in the manner proposed, is believed to be in condition for favorable reconsideration and early allowance, and such actions are respectfully requested.

Respectfully submitted,

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